

Private Boat Dock Proposed Changes

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Requires
10-year Boat dock Permit

Existing Boat Dock

New Boat Dock

Meets Existing
Grandfather Clause
Page 1

Does Not Meet Existing
Grandfather Clause

Must meet new standards
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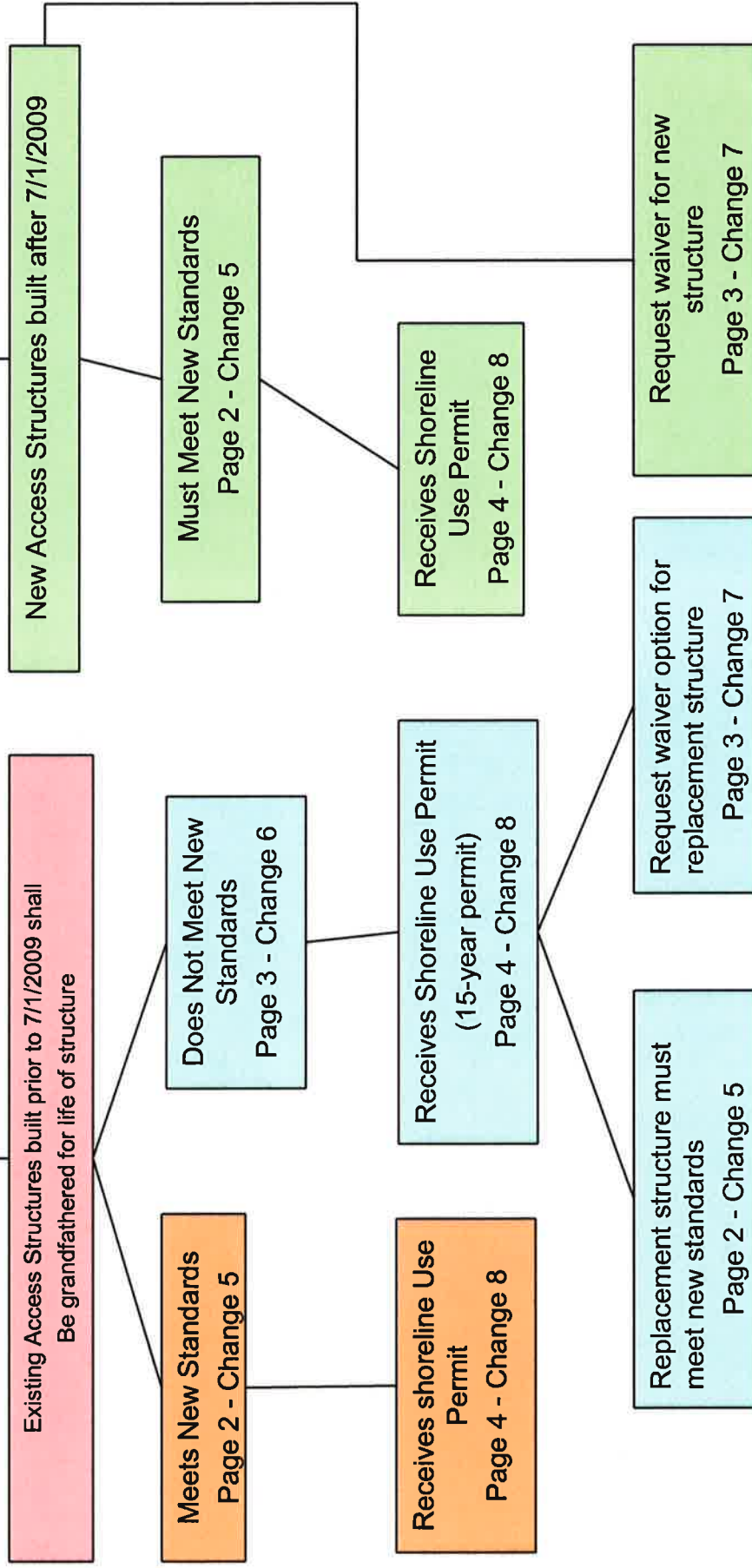
Continue to renew
permit

Grandfathered for life of
boat dock; if rebuilt, must
meet new standards
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Personal Watercraft
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Shoreline Use and Access Structures Proposed Changes

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Non-access structures, e.g. gazebos or storage buildings removed by year 15 regardless of ownership.

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Kentucky Department of Fish and Wildlife Resources
Use of public lands and waters at department-owned lakes
301 KAR 1:016
Summary of proposed changes

Private Boat Docks

Adjacent property, flotation requirements, and 10-year permit system remain the same.

1. Proposed Change: All new docks approved for construction after July 1, 2009 shall be rectangular in shape and shall not exceed 8 ft by 16 ft in dimension or 128 sq ft in total surface area (rectangular-shaped docks with smaller dimensions will be acceptable).

2. Proposed Change: Personal Watercraft (PWC) mooring can be attached to a private dock in lakes that allow PWC's.

Permitted PWC dock:

- Must be a commercially manufactured system
- No more than 6 X 15 ft for single PWC
- No more than 12 X 15 ft for dual PWC

A maximum of 2 boats per private dock allowed; or 1 boat and 2 PWC's with the above docking system.

Existing Grandfather clause: A person who constructed a boat dock under a permit issued before July 1, 1996 shall be allowed to have a boat dock that exceeds:

- The single dimension (length or width) by 2 feet; or
- The square footage limit by 32 sq. ft (total of 160 sq ft compared to 128 sq ft)

3. Proposed Change- additional grandfather clause: Grandfather docks that do not meet the existing grandfathering clause for the life of the structure:

- All rebuilt docks shall meet the new standard
- Minor maintenance may be performed on the existing dock, such as deck board replacement. The dock shall be replaced or modified to the new standard when major maintenance is required, such as joist or flotation replacement

Community Boat Docks

4. Proposed change at Lake Malone: A community boat dock may be constructed by three or more adjacent property owners in a subdivision. An adjacent property owner is the owner of real property who shares a minimum 50-ft of common boundary with Department property. The following requirements apply to community boat docks:

- Each boat slip shall require a boat dock permit
- Shall not have more than 12 boat permits/slips per dock
- Shall not block a cove
- Shall be accessible across Department property from one of the lots using a permissible access method
- Shall not be within 1000-ft of another community dock
- A condominium or other multi-family dwelling shall not be eligible for a boat slip in a community boat dock
- Individual boat slips shall meet specific dimension requirements

Shoreline Use and Access Structures on Department Property

Previously, the regulations **did not permit** any permanent access structures on Department-owned land. Obviously, there has not been strict adherence or enforcement of these regulations.

5. Proposed change: Access Structures will be allowed on Department-Owned Property

- Adjacent property owner shall apply for a Shoreline Use Permit (see page 4)
- Shall require on-site visit and approval by a Department representative prior to any construction
- Access structures and improved pathways shall follow the natural shoreline contour if possible
- Improved pathways shall have a 5-ft maximum width (including edging)
- Edging must be of pre-treated lumber or railroad ties
- Pathway fill shall only be made of crushed stone, wood chips, or other natural removable material
- Natural stone may be used as steps
- Raised ground-level pathways (alligator steps) are permissible, but shall not exceed 40 steps or landings
 - Landings are not to exceed 5 ft wide by 8 ft long
 - Shall consist of pre-treated lumber only without painting

Staircases

- 20 steps maximum if no landing is used
- 30 steps maximum when one 4 X 4 ft landing is used (maximum size)
- Pre-treated, non painted lumber only
- Shall comply with Kentucky Building Code Standards (includes handrail)
- Steps shall not exceed 4 ft in width

6. Proposed change: Grandfather Existing Structures on Department–Owned Land

Existing stairs and improved pathways that meet new standards will only require the Shoreline Use Permit (see page 4).

Non-access structures, such as gazebos or storage buildings, will be itemized in the Shoreline Use Permit and shall be removed at owner's expense by year 15 of the Shoreline Use Permit. This provision will apply to all owners.

Existing stairs or improved pathways that **do not** meet specifications shall be grandfathered for the life of the structure.

- A Shoreline Use Permit must be obtained and renewed at 15- year intervals
- If stairs or improved pathways are to be rebuilt, then they must meet the new standards or the owner must obtain a waiver (see below)
- Minor maintenance shall be allowed, such as replacement of stair treads
- Major repair, such as joist, support beam, or stringer replacement shall be required to meet the new standards
- Following a site visit by staff and determination that there is no reasonable alternative, a waiver may be issued

7. Proposed change: Waiver Option:

- Adjacent landowners shall:
 - Apply in writing
 - Provide detailed plan of the proposed new structure delineating the deviation(s) to the standard
 - Shall not begin construction until approval has been obtained
- The Department shall determine:
 - If the deviation is in substantial compliance with the regulation and if the new staircase does not exceed the number of steps or landing dimension requirement by 20%
 - If there is a potential a safety hazard
 - If the geological or other physical features necessitate the deviation
 - If there is no reasonable alternative
 - Conformity to KY Building Code standards
 - The applicant's past history of compliance with this regulation
- A Shoreline Use Permit shall also be required for any adjacent landowner that obtains a waiver.

Shoreline Use Permits

8. Proposed change: Shoreline Use Permits Required

- The Shoreline Use Permit is in addition to the Private Boat Dock Permit
- This permit is necessary for any structures constructed on Department-owned land, excluding a private or community boat dock and dock walkway connected to the land
- The permit is valid for a 15-year cycle, not a 15-yr period beginning at the date of issuance. The permit requires renewal when applicable

Cost Variables of Shoreline Use Permits

Tier I - \$100

- New or renovated improved pathway or staircase with less than 30 steps
- Existing access structures that do not meet new pathway or staircase guidelines that have less than 15 steps

Tier II - \$200

- Existing access structures that do not meet new pathway or staircase guidelines that have between 15-30 steps
- Existing access structure with concrete steps that has less than 30 steps

Tier III - \$300

- Existing stairs or improved pathways (including concrete access structures) that do not meet pathway or stairway guidelines and have 30 or more steps
- Existing stairs that have 1 or more landings that exceed 4 X 4 ft in dimension
- Existing non-access related structure, such as storage shed or gazebo

If an adjacent landowner applies for a Shoreline Use Permit for multiple structures covering more than one tier level, a single permit will be issued, if approved, at the highest Tier necessary to cover all structures.

If an adjacent landowner constructs a new access structure that has not been approved by the Department, the structure shall be removed at the expense of the owner.